



Office of the Mayor and Town Council

Michael P. Callahan
Council Member

MEMORANDUM

To: Honorable Members of the Town Council

From: Michael P. Callahan, Council Member Seat 2

Date: July 17, 2019

Re: Amending Chapter 14 of the Town Code- “Environmental Protection”
(*Second Reading*)

** Changes between 1st and 2nd reading are highlighted in yellow ~~double~~
~~strikethrough/~~ double underline*

REQUEST

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AMENDING CHAPTER 14, “ENVIRONMENTAL PROTECTION” OF THE TOWN CODE OF ORDINANCES TO CREATE SECTION 14-2, “PROHIBITION ON DISTRIBUTION, SALE OR USE OF PLASTIC STRAWS”; AMENDING CHAPTER 8, “CODE ENFORCEMENT,” SECTION 8-10, “SCHEDULE OF CIVIL PENALTIES” TO PROVIDE PENALTIES FOR VIOLATIONS OF SECTION 14-1, “PROHIBITIONS REGARDING SALE OR USE OF EXPANDED POLYSTYRENE FOOD SERVICE ARTICLES BY TOWN CONTRACTORS” AND SECTION 14-2; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

BACKGROUND AND ANALYSIS

The Town of Cutler Bay (the “Town”) has a long history of environmental social responsibility and activism, as a community and as a municipal government. Over the last thirteen (13) years, the Town has been recognized locally and nationally for a variety of sustainability initiatives. For instance, the Florida League of Cities Environmental Steward Award was received in 2012 for the Town’s leadership in supporting economic development while advancing the region’s clean energy goals.

The Town is an active member of several recognized organizations that further “green causes” that include the Florida Green Building Coalition (FGBC), the Property Assessed Clean Energy (PACE) Program, the Leadership in Energy and Environmental Design (LEED) Certification, and the Green Globe Certification.





The Town is committed to environmental conscientiousness and leadership, finding that it is in the public interest, safety and welfare to reduce litter and pollutants in the Town. On July 18, 2018, the Town Council adopted Resolution No. 18-52 (*Attachment “A”*), supporting the City of South Miami’s Resolution encouraging the Miami-Dade County Board of County Commissioners to ban plastic straws or restrict their use. The use, sale and distribution of plastic straws has a detrimental effect on the Town’s environment, as discarded plastic straws threaten wildlife and marine life; in addition to creating litter areas that degrade Town aesthetics (*Attachment “B”*).

The Town desires to strengthen efforts to restrict the use of plastic straws within its municipal limits. Fortunately, on May 10, 2019 during the 121st Session of the Legislature of Florida, Governor Ron DeSantis vetoed House Bill 771 which included a “moratorium on local regulations of single-use plastic straws until 2024”. The Governor’s veto of this bill supports *local governments’ right* to enact ordinances prohibiting single-use plastic straws as opposed to allowing the State of Florida to preempt the will of local citizens (*Attachment “C”*). This veto opens the door for the Town to move forward with the proposed ordinance.

According to the *Florida Department of Environmental Protection*, plastic straws are a common pollutant that photo grade or break down into more harmful, smaller pieces that lasts hundreds of years and are ingested by marine life and other wildlife, thus harming and killing them. *The National Geographic* estimates that plastic straws have killed an estimated one million sea birds and one hundred thousand marine mammals. Furthermore, *The Guardian* estimates that by 2050, there will be more plastic straws than fish in the ocean.

We each have a part to play in curbing our plastic consumption: individually, we can act responsible and informed consumers, the private sector can adopt business practices that reflect environmental responsibility, and governments can enact policies that mandate the responsible production and use of plastics. There are reasonable, environmentally-friendly alternatives to plastic straws that will further preserve and enhance the Town’s environment, such as biodegradable or reusable straws.

The proposed ordinance prohibits the use, sale, or distribution of single-use plastic straws in commercial establishments, by mobile vendors, and by special event permittees, as well as on Town facilities and property (such as Town buildings, structures, parks, roads/streets, rights-of-way, or other facilities owned, operated or managed by the Town).





The tentative timeline for implementation of this ordinance is as follows.

Date	Description
July 17, 2019	2 nd Reading and Adoption of Ordinance
July 18 – December 31, 2019	The Town shall begin public education and marketing campaign
January 1, 2020	Code Compliance Department shall begin enforcing Ordinance with written warning notices
March 1, 2020	Code Compliance Department shall enforce Civil penalties

RECOMMENDATION

It is recommended that the Town Council adopt the attached Ordinance amending Chapter 14, Article I, of the Town Code, to prohibit the distribution, sale, or use of plastic straws. This Ordinance is necessary for the preservation and improvement of the environment, public health, safety, and welfare of the Town's residents.

ATTACHMENT(S)

- Attachment "A" – Town Resolution No. 18-52
- Attachment "B" – Effects of Plastic on the Town Environment
- Attachment "C" – Governor DeSantis HB 771 Veto
- Attachment "D" – Advertisement Miami Herald Neighbors Section
(dated July 7, 2019)

